IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 8044 of 2006(G)

PETITIONER:

CHEMPAKAKKUNNU TEMPLE COMMITTEE,
REPRESENTED BY ITS SECRETARY, EDAVILAKAM,
MURUKKUMPUZHA (P.O).

BY ADV. SRI.M.RAJAGOPALAN NAIR
SRI.G.BIJU

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY, VYDHYUTHI BHAVANAM,
PATTOM, THIRUVANANTHAPURAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KANIYAPURAM.

3. SMT. JANAKI,
SWARAJ BHAVAN, CHEMPAKAKKUNNU, MURUKKUMPUZHA (P.O)

4. ADDITIONAL DISTRICT MAGISTRATE,
COLLECTORATE, THIRUVANANTHAPURAM.

R1 AND R2 BY SC SRI. P.P. THAJUDEEN
R3 BY ADV. SRI.P.K.MUHAMMED

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF PETITION SUBMITTED BY THE 2ND RESPONDENT BEFORE THE 4TH RESPONDENT DATED 28.7.2005

EXT.P2 TRUE COPY OF ROUGH SKETCH PRODUCED BY THE 2ND RESPONDENT.

EXT.P3 TRUE COPY OF OBJECTION FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 9.11.2005

EXT.P4 TRUE COPY OF ROUGH PLAN PRODUCED BY THE PETITIONER.

EXT.P5 TRUE COPY OF COMPLAINT DATED 13.2.2006 SUBMITTED TO THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM BY SECRETARY, SREE GOPALAKRISHNA SWAMI TEMPLE.

EXT.P6 TRUE COPY OF PROCEEDINGS OF THE ADDL. DISTRICT MAGISTRATE, THIRUVANANTHAPURAM DATED 28.2.2006

EXT.P7 TRUE COPY OF EXTRACT OF THE NOTICE PUBLISHED REGARDING THE MEENA ROHINI FESTIVAL OF THE SREE GOPALAKRISHNA SWAMI TEMPLE.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 8044 OF 2006

Dated this the 6th day of August, 2007

JUDGMENT

Heard counsel for the petitioner, standing counsel for KSEB and also counsel appearing for the third respondent. Line as proposed by the KSEB and approved by the Addl. District Magistrate for giving connection to the third respondent is across the temple property. The case of the petitioner is that temple wants to construct an auditorium for conducting programmes. In any case, temple premises is a place where lot of people assemble and procession with elephant takes place. Therefore there is inherent public danger for retaining live electric line over the temple premises. Petitioner has suggested alternate route for drawing line which is from post MT 17/13-B and MT 17/14-B which appears to be over a road. Since the line in the alternate route as suggested by the petitioner is over the road as shown in Ext. P4, there will be direction to the second respondent to draw the line and give connection to the third respondent on petitioner meeting differential cost for the line that is the additional cost over the proposed line

approved by the Additional District Magistrate. In any case connection should be given to the beneficiary within a period of one month from the date of production of a copy of this judgment by the petitioner. If petitioner fails to deposit additional cost, line should be drawn in the route approved by Addl. District Magistrate but with insulated cable, if supplied by petitioner, and if possible by laying it underground.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge